

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PATRICK M. FALCEY,
Plaintiff,

v.

DR. FREDERICK GOLDBERG, et al.,
Defendants.

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CIVIL ACTION

NO. 18-424

ORDER

AND NOW, this 9th day of February, 2018, upon consideration of Mr. Falcey's motion to proceed *in forma pauperis* and his *pro se* Complaint, it is ORDERED that:

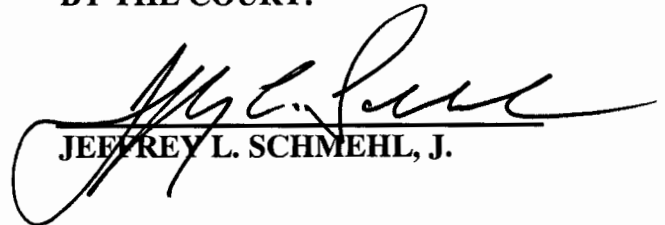
1. Leave to proceed *in forma pauperis* is GRANTED pursuant to 28 U.S.C. § 1915.
2. Plaintiff, Patrick M. Falcey, #MX-3084, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Mr. Falcey, an initial partial filing fee of \$50.14 is assessed. The Superintendent or other appropriate official at SCI Greene or at any other prison at which Mr. Falcey may be incarcerated is directed to deduct \$50.14 from Mr. Falcey's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-424. In each succeeding month when the amount in Mr. Falcey's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Falcey's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-424.

3. The Clerk of Court is DIRECTED to send a copy of this Order to the Superintendent at SCI Greene.

4. Mr. Falcey's Complaint is DISMISSED in accordance with the Court's Memorandum. Any federal claims brought pursuant to 42 U.S.C. § 1983 are DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Mr. Falcey's state law claims of malpractice and products liability are DISMISSED without prejudice to Mr. Falcey refiling them in state court, or filing an amended complaint in this action within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption and clearly state the basis for Mr. Falcey's claims against each defendant. If Mr. Falcey files an amended complaint, the Clerk of Court shall not make service until so ORDERED.

5. If Mr. Falcey fails to file an amended complaint, this case may be dismissed for failure to prosecute without further notice.

BY THE COURT:



JEFFREY L. SCHMEHL, J.